

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230014685

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his 194-day deployment to Bosnia from August 1998 to March 1999.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DA Form 638 (Recommendation for Award)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in effect, all deployments should be listed on the DD Form 214. His proof of service resides within his decorations and awards. This is important for various services and benefits. He further claims training rotations to the Joint Readiness Training Center and National Training Center.
3. The applicant enlisted in the Regular Army on 9 January 1998. He served in military occupational specialty 11M (Mechanized Infantryman).
4. On 29 April 2000, he was honorably released from active duty upon the completion of his required active service in the rank/grade of specialist E-4. He completed 2 years, 3 months, and 21 days active service this period. His DD Form 214 shows in:
 - block 12f, (Foreign Service), the entry "0000 00 00"
 - block 13, (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Lapel Button, Army Service Ribbon
 - block 18 (Remarks) no listing of a deployment

5. On 28 March 2003, his DD Form 214 was corrected by DD Form 215 by listing award of the Army Achievement Medal (1st oak leaf cluster), Armed Forces Expeditionary Medal, and the North Atlantic Treaty Organization (NATO) Medal.
6. The applicant provides DA Form 638 which awarded him an Army Achievement Medal for his service during a deployment to Operation Joint Forge from 29 August 1998 to 14 March 1999 (6 months and 15 days or 198 days).
7. His Official Military Personnel File contains a NATO Medal Certificate for Operation Joint Forge, Bosnia-Herzegovina, for the period September 1998 to March 1999.
8. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account. DFAS verified his service in Bosnia-Herzegovina from 4 August 1998 to 27 March 1999 (a period of 7 months and 24 days or 236 days). Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.
9. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal nor is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Foreign Service and Deployment: Grant. The applicant provides DA Form 638 which awarded him an Army Achievement Medal for his service during a deployment to Operation Joint Forge from 29 August 1998 to 14 March 1999 (6 months and 15 days or 198 days). Additionally, his service record contains a NATO Medal Certificate for Operation Joint Forge, Bosnia-Herzegovina, for the period September 1998 to March 1999. Lastly, DFAS verified his service in Bosnia-Herzegovina from 4 August 1998 to 27 March 1999 (a period of 7 months and 24 days or 236 days). The Board determined the DFAS verification is the most accurate and is consistent with his Army Achievement Medal as well as his NATO Medal.

b. Army Good Conduct Medal: Grant. The Board noted that the applicant served continuously on active duty from 9 January 1998 to 29 April 2000 he completed 2 years,

3 months, and 21 days of net active service. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. Therefore, the Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 9 January 1998 through 29 April 2000
- amending his DD Form 214 as follows:
 - Block 12f, adding 7 months and 24 days of foreign service
 - Block 13, adding the Army Good Conduct (1st Award)
 - Block 18, adding Service in Bosnia-Herzegovina from 4 August 1998 to 27 March 1999 2.

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-5 (Separation Documents), then in effect, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. In established standardized policy for the preparation of the DD Form 214. In pertinent part, it stated that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form should be complete and accurate. Chapter 2 of Army Regulation 635-5 contains guidance on the preparation of the DD Form 214. It states, in pertinent part, that for:

a. item 12f, enter the total amount of foreign service completed during the period covered by the DD Form 214.

b. item 13, list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22 (Military Awards). Each entry will be verified by the Soldier's records. Do not use abbreviations.

c. item 18 (Remarks), for an active duty Soldier deployed with their unit during their continuous period of active service, enter statement "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)."

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards and states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

4. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The

ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//